PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, DECEMBER 12, 19 78

CITY OF FORT WAYNE INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday evening December 12 A.D., 19 78, in Regular Session. President Samuel J. Talarico in the chair, and Charles W. Westerman Clerk, at the desk, present the following members viz:

BURNS ✓, HINGA ✓, HUNTER ✓,
MOSES ✓, NUCKOLS ✓, DONALD SCHMIDT ✓,
VIVIAN SCHMIDT ✓, STIER ✓, TALARICO ✓,

ABSENT

COUNCILMAN , , ,
, , ,

The invocation was given by

Received report from the City Controller for the month of , 19 . Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last Regular , 19 ,
, 19 ,
Special , 19 ,
Session having been delivered to the Council, were, on motion, approved and published.

REORGANIZATION

CALL, CONSENT AND WAIVER OF NOTICE OF A ~~SPECIAL~~ MEETING OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, TO BE HELD TUESDAY, JANUARY 2, 1979 -- 7:00 O'CLOCK P.M.

We, the undersigned, being all of the members of the Common Council of the City of Fort Wayne, Indiana do hereby call a ~~special~~ reorganization meeting of said Council to be held on TUESDAY, JANUARY 2, 1979 at 7:00 o'clock P.M., E.S.T. and jointly and severally waive notice of the time, place and purpose of said meeting and consent that same be held on the aforesaid date for the purpose of considering and acting upon the reorganization of said Common Council for the year 1979, as required by law. This meeting is to be held within the City Council Chambers, City-County Building, Fort Wayne, Indiana

Samuel J. Talarico

Frederick R. Hunter

Paul M. Burns

D. Schmidt

John Nuckols

Vivian G. Schmidt

William T. Hinga

DATED THIS 12th December 1978

DATE 12-12-78 CHARLES W. WESTERMAN, CITY CLERK

Charles W. Westerman

CHARLES W. WESTERMAN
CITY CLERK

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Number: 65/78/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolution a matter of record and incorporate it into the minutes of the next Common Council Meeting.

Respectfully submitted,

Terry Coonan

Board of Public Safety

12-12-78
DATE MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

RETURN CERTIFICATE

(Regulatory Resolution No. 65/78/E)

I hereby certify that I did this 11th day of December, 19 78 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 65/78/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as ~~Chairman~~ of said Board, in accordance with the provisions of Section 17-4(a) of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

Terry Cooman

Chairman
~~EXECUTIVE SECRETARY~~

REGULATORY RESOLUTION NO. 65/78/E

(Adopted December 11, 1978)

WHEREAS, Section 17-4(a) (3), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 56/78/E: NO PARKING (EMERGENCY)

; and,

WHEREAS, the City Traffic Engineer has, by written memorandun dated December 7, 1978, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4(a) (3) of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14, 1961. to make experimental regulations to cover special conditions, it is hereby ordered, effective December 11, 1978, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING (EMERGENCY)

Dwenger Ave. -- both sides -- from Glasgow Ave. to 670 ft. east thereof

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Number: 64/78/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolution a matter of record and incorporate it into the minutes of the next Common Council Meeting.

Respectfully submitted,

Terry Coonan

Terry Coonan, Chairman
Board of Public Safety

12-12-78
DATE

MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

RETURN CERTIFICATE

(Regulatory Resolution No. 64/78/E)

I hereby certify that I did this 30th day of November, 19 78 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 64/78/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as ~~Secretary~~ Chairman of said Board, in accordance with the provisions of Section 17-4(a) of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

Derry Coonan

~~Secretary~~ Chairman

REGULATORY RESOLUTION NO. 64/78/E

(Adopted November 30, 19 78)

WHEREAS, Section 17-4(a) (3), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES 54/78/E: SPEED LIMIT (EMERGENCY) AND DELETE: SPEED LIMIT 45MPH (EMERGENCY); and,

WHEREAS, the City Traffic Engineer has, by written memorandun dated November 28, 19 78, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4(a) (3) of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14, 1961. to make experimental regulations to cover special conditions, it is hereby ordered, effective November 30, 19 78, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

SPEED LIMIT 40 MPH (EMERGENCY)

St. Joe Road -- from -- St. Joe Center Road to Evard Road

DELETE:

SPEED LIMIT 45 MPH (EMERGENCY)

St. Joe Road -- from -- St. Joe Center Road to Evard Road

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

December 6, 1978

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, December 6, 1978, I have approved the following ordinances passed by the Common Council at a Special Meeting of December 5, 1978.

(Bill No. A-78-10-26)
APPROPRIATION ORDINANCE NO. A-30-78

AN ORDINANCE appropriating additional funds from the Motor Vehicle Highway Fund No. 28 to various accounts of the 1978 Budget of the Street Dept.

(Bill No. A-78-11-01)
APPROPRIATION ORDINANCE NO. A-31-78

AN ORDINANCE appropriating funds from General Fund #10 to the Board of Works Account No. 10-660-262 "Garbage Collection"

(Bill No. A-78-11-02)
APPROPRIATION ORDINANCE NO. A-32-78

AN ORDINANCE appropriating funds from the Park General Fund No. 21 to the Parks and Recreation Department Account No. 21-850-265 "Services Contractual - Construction".

Respectfully yours,

Robert E. Armstrong
Mayor

NOTE

Matter of Record

FORT WAYNE-ALLEN COUNTY BOARD of PUBLIC HEALTH

5th Floor, City-County Building, One Main Street
Fort Wayne, Indiana 46802

December 4, 1978

James. Stier
appointed by
Sam Talarico

Samuel Talarico, President
Fort Wayne City Council
City Clerk's Office
City-County Building
Fort Wayne, Indiana 46802

Dear Councilman Talarico:

Pursuant to our prior telephone conversation and your recommendation, we are forwarding a request for the appointment of a liaison member to the Fort Wayne-Allen County Board of Public Health from the Fort Wayne City Council.

The first meeting of this committee is scheduled for 1:30 P.M., Thursday, December 7, 1978 in the offices of the Fort Wayne-Allen County Department of Public Health, Fifth Floor, City-County Building.

We wish to apologize for the short notice. However, the committee has just been formed, and a meeting is desired at the earliest opportunity.

We wish to express our prior appreciation for your kind consideration.

Very truly yours,

Dr. Oliver Kaiser

Dr. Oliver Kaiser
Deputy Health Commissioner

For
George Mallers
Philip Schubert, M.D.
Members Fort Wayne-Allen County Board of Public Health

MADE A MATTER OF RECORD
DATE _____ CHARLES W. WESTERMAN, CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

December 4, 1978

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, December 4, 1978, I have approved the following ordinances passed by the Common Council at its regular meeting of November 28, 1978.

(Bill No. S-78-11-03)
SPECIAL ORDINANCE NO. S-211-78

AN ORDINANCE approving Civil City Purchase Order No. 4-03374 with Deeds Equipment Company, Inc. for Spreaders for Street Department

(Bill No. S-78-11-04)
SPECIAL ORDINANCE NO. S-212-78

AN ORDINANCE approving blanket Civil City and City Utilities Purchase Orders for 1979 for Asphalt for various departments of the City

(Bill No. S-78-11-05)
SPECIAL ORDINANCE NO. S-213-78

AN ORDINANCE approving blanket Civil City and City Utilities Purchase Orders for 1979 for Automotive Supplies for various departments of the City

(Bill No. S-78-11-06)
SPECIAL ORDINANCE NO. S-214-78

AN ORDINANCE approving blanket Civil City and City Utilities Purchase Orders for 1979 for Grease and Oil Requirements for various departments of the City

(Bill No. S-78-11-07)
SPECIAL ORDINANCE NO. S-215-78

AN ORDINANCE approving Civil City Purchase Order No. 4-05220 with Hefner Chevrolet, Inc., for one vehicle for Board of Public Works

(Bill No. S-78-11-08)
SPECIAL ORDINANCE NO. S-216-78

AN ORDINANCE approving blanket Civil City and City Utilities Purchase Orders for 1979 for various aggregates for various departments of the City

(Bill No. S-78-11-11)
SPECIAL ORDINANCE NO. S-217-78

AN ORDINANCE approving an Agreement to Purchase by Mr. Phillip H. Love

(Bill No. S-78-11-12)
SPECIAL ORDINANCE NO. S-218-78

AN ORDINANCE approving an Agreement to Purchase by Mr. James H. Bowman

(Bill No. R-78-11-56)
RESOLUTION NO. R-56-78

A RESOLUTION authorizing the transfer of funds within the 1978 Budget of the Parking Administration

(Bill No. Z-78-07-18)
ZONING ORDINANCE NO. Z-28-78

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-22

(Bill No. S-78-11-24)
SPECIAL ORDINANCE NO. S-219-78

AN ORDINANCE approving a contract for Improvement Resolution No. 5817-78, between the City of Fort Wayne, Indiana and Dailey Asphalt Products Co., Inc. for resurfacing Calhoun Street

(Bill No. S-78-11-25)
SPECIAL ORDINANCE NO. S-220-78

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5819-1978, between the City of Fort Wayne, Indiana and Moellering Construction Co., Inc. for resurfacing certain streets

(Bill No. S-78-11-26)
SPECIAL ORDINANCE NO. S-221-78

AN ORDINANCE approving Change Order No. 2, in connection with Improvement Resolution No. 5796-78, the Landing

(Bill No. S-78-11-27)
SPECIAL ORDINANCE NO. S-222-78

AN ORDINANCE approving Change Order No. 1, in connection with Improvement Resolution No. 5778-78, Stratton Road

(Bill No. S-78-11-29)
SPECIAL ORDINANCE NO. S-223-78

AN ORDINANCE approving Change Order No. 1, in connection with Improvement Resolution No. 5767-77, Clinton Street

(Bill No. S-78-11-30)
SPECIAL ORDINANCE NO. S-224-78

AN ORDINANCE approving City Utilities Purchase Order No. 0362 with Ford Meter Box for supplies for Water Maintenance and Service Dept.

(Bill No. S-78-11-31)
SPECIAL ORDINANCE NO. S-225-78

AN ORDINANCE approving City Utilities Purchase Order No. B-0366 with McVey-Midland Piping for materials for Water Pollution Control Maintenance Dept.

(Bill No. S-78-11-32)
SPECIAL ORDINANCE NO. S-226-78

AN ORDINANCE approving an Agreement with Longwood Development for construction of a sanitary sewer

(Bill No. S-78-11-33)
SPECIAL ORDINANCE NO. S-227-78

AN ORDINANCE approving a blanket purchase order - City Utilities Purchase Order No. B-0375 for materials for Office Services Department

(Bill No. S-78-11-34)
SPECIAL ORDINANCE NO. S-228-78

AN ORDINANCE approving City Utilities Purchase Order No. 0376 with Clow Corporation for materials for Water Engineering Department

(Bill No. S-78-11-35)
SPECIAL ORDINANCE NO. S-229-78

AN ORDINANCE approving City Utilities Purchase Order No. 0379 with Deeds

Equipment Co., Inc. for materials for Water Maintenance & Service Department

(Bill No. S-78-11-36)
SPECIAL ORDINANCE NO. S-230-78

AN ORDINANCE approving City Utilities Purchase Order No. 0439 with General Electric Co. for supplies for City Street Lighting Department

(Bill No. S-78-11-37)
SPECIAL ORDINANCE NO. S-231-78

AN ORDINANCE approving a contract for Water Contract #78-XP-1 between the City of Fort Wayne, Indiana and Bercot, Inc. for construction of a water main

(Bill No. S-78-11-38)
SPECIAL ORDINANCE NO. S-232-78

AN ORDINANCE approving a contract for Street Lighting Resolution No. 131-78, between the City of Fort Wayne, Indiana and T & F Construction Corporation for installation of street lighting

(Bill No. S-78-11-39)
SPECIAL ORDINANCE NO. S-233-78

AN ORDINANCE approving a contract for Water Contract #7812, between the City of Fort Wayne, Indiana and North Eastern Enterprises, Inc. for construction of water mains

(Bill No. S-78-11-40)
SPECIAL ORDINANCE NO. S-234-78

AN ORDINANCE approving City Utilities Blanket Purchase Order Nos. B-0336 with V. R. Myers Pump and B-0337 with Central Supply Company for materials for Water Maintenance & Service Dept.

(Bill No. S-78-11-41)
SPECIAL ORDINANCE NO. S-235-78

AN ORDINANCE approving a blanket purchase order - City Utilities Purchase Order No. B-0434 for materials for City Street Lighting Department

(Bill No. S-78-11-42)
SPECIAL ORDINANCE NO. S-236-78

AN ORDINANCE approving City Utilities Purchase Order No. 0435 with General Electric Co. for supplies for Street Lighting Department

(Bill No. S-78-11-43)
SPECIAL ORDINANCE NO. S-237-78

AN ORDINANCE approving City Utilities Purchase Order No. 0437 with Preferred Products Company for supplies for Street Lighting Department

(Bill No. S-78-11-44)
SPECIAL ORDINANCE NO. S-238-78

AN ORDINANCE approving City Utilities Purchase Order No. 0393 with Underground Pipe & Valve, Inc. for materials for Water Pollution Control Engineering Dept.

(Bill No. S-78-11-45)
SPECIAL ORDINANCE NO. S-239-78

AN ORDINANCE approving an Agreement with Wheatridge Investors, Inc., for construction of a sanitary sewer

(Bill No. S-78-11-46)
SPECIAL ORDINANCE NO. S-240-78

AN ORDINANCE approving an Agreement with Windsor Development for construction of a sanitary sewer

(Bill No. S-78-11-47)
SPECIAL ORDINANCE NO. S-241-78

AN ORDINANCE approving a contract for Water Contract #7813 between the City of Fort Wayne, Indiana and North Eastern Enterprises, Inc. for construction of water mains

Respectfully yours,

Robert E. Armstrong
Mayor

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

November 30, 1978

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Minicipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-78-10-33

Respectfully submitted,

CITY PLAN COMMISSION

Luben Lazoff
Secretary

Certified and signed
this 30th day of
November, 1978.

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

November 30, 1978

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held November 27, 1978. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-78-10-33

2. From R3 to B1B and B3B

3. Intended Use: Te-Cum-Wah Recreational Center

4. Plan Commission Recommendation: DO PASS

   This ordinance received a DO PASS recommendation for the following reason:

   a. The proposed use will provide the best utilization of the land in light of flood plain designation placed on the property.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted

COMMUNITY DEVELOPMENT AND PLANNING
Division of Long Range Planning
and Zoning

Gary F. Baeten
Senior Planner

GFB/mm
ATT.

AN EQUAL OPPORTUNITY EMPLOYER

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 24, 1978, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-78-10-33; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 20, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reason that the proposed use will provide the best utilization of the land in light of flood plain designation placed on the property, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall city plan:

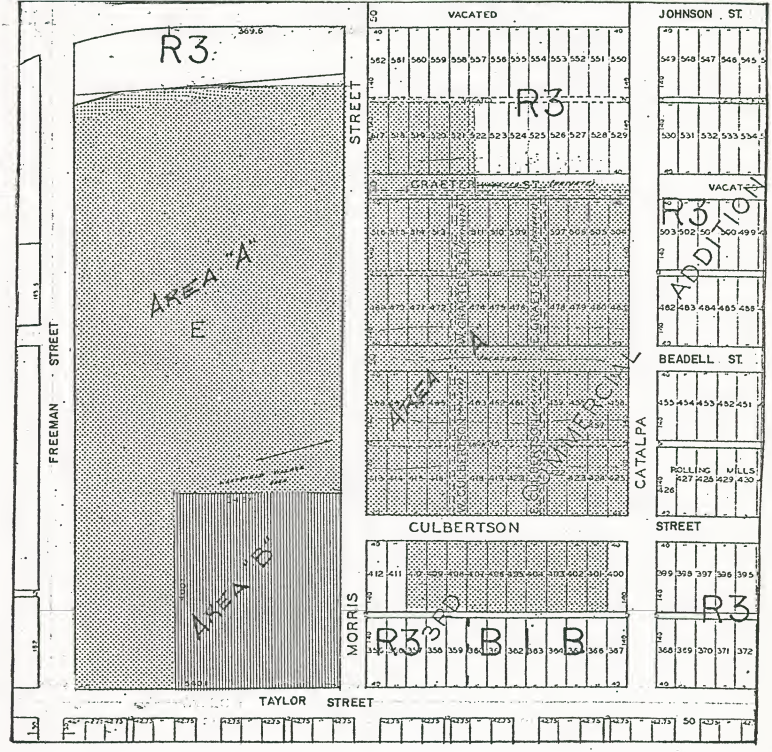
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 27, 1978.

Certified and signed
this 30th day of
November, 1978.

Luben Lazoff

Luben Lazoff
Secretary



REZONE FROM R3 to B1B

REZONE FROM R3 to B3B

MAP NO. 1-2

Z-78-10-33

BY M.F. CROSLEY 10-13-78

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

November 29, 1978

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Smith:

MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-78-10-34

Respectfully submitted,

CITY PLAN COMMISSION

Luben Lazoff
Secretary

Certified and signed this
29th day of November, 1978.

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

November 29, 1978

Members of Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held November 27, 1978. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-78-10-34

2. From R2 to M1

3. Intended Use: Expansion of existing legal non-conforming use for Wayne Fasteners

4. Plan Commission Recommendation: DO NOT PASS

   This ordinance received a DO NOT PASS recommendation for the following reasons:

   a. Detrimental impact of the neighborhood
   b. Spot zoning

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted

COMMUNITY DEVELOPMENT AND PLANNING
Division of Long Range Planning and Zoning

Gary F. Baeten
Senior Planner

GFB/mm
ATT.

AN EQUAL OPPORTUNITY EMPLOYER

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 24, 1978, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-78-10-34; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 20, 1978;

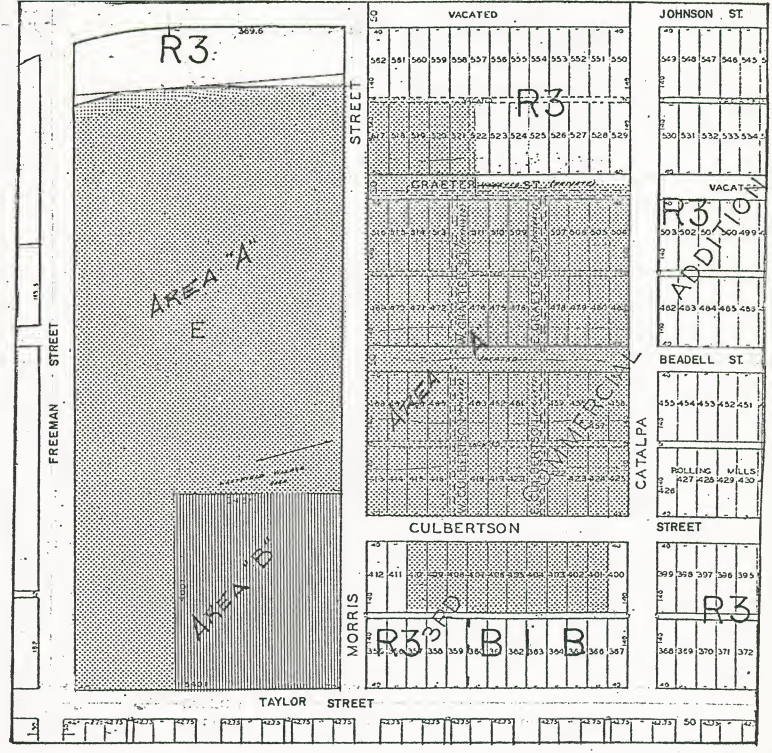
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that it would be detrimental to the neighborhood and would be spot zoning, and would not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 27, 1978.

Certified and signed
this 29th day of
November 1978.

Luben Lazoff
Secretary



REZONE FROM R3 to BIB

REZONE FROM R3 to B3B

MAP NO. 1-2

Z-78-10-33

BY M.F. CROSLEY 10-13-78

BILL NO. X- 77-05-23 (as amended)

ANNEXATION ORDINANCE NO. _____

AN ORDINANCE AMENDING BILL NO. X-77-05-23 and annexing certain territory to the City of Fort Wayne, and including the same in Councilmanic District No. 3, effective March 6, 1979.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, effective, March 6, 1979 , to-wit:

Beginning at the intersection of the North right-of-way line of Interstate 69, and the West right-of-way line of the Penn Central Railroad Company's right-of-way in the Southwest Quarter of Section 14, Township 31 North, Range 12 East; thence North along said West railroad right-of-way line to the North right-of-way line of Ludwig Road; thence West along said right-of-way line to the East line of Lot #4 in Dreyer's Subdivision as recorded in Plat Book 9, Page 61, in the Office of the Recorder of Allen County, Indiana; thence North along the East property line of said Lots #4 and #3 to the Northeast corner of Lot #3 in Dreyer's Subdivision; thence West along the Northern property line of Lot #3 to the East property line of Lot #7 in Dreyer's Subdivision; thence North along the East line of Lot #7 to the Northeast corner of said lot; thence West along the Northern property line of Lot #7 to the East right-of-way line of State Road #3; thence Southeasterly along said road right-of-way to the South right-of-way line of Washington Center Road; thence East along said right-of-way line to a point on said right-of-way formed by the projection of the West right-of-way line of Sharon Drive Southward to its intersection with the South right-of-way line of Washington Center Road; thence North along the West right-of-way line of said Sharon Drive, to a point due West of the North property line of Rodenbeck's 7th Addition; thence East along the North property line of Rodenbeck's 7th Addition to the East right-of-way line of Rodenbeck Drive; thence North along said East right-of-way line 39 feet to the Northwest corner of Lot #117 in Rodenbeck's 7th Addition; thence East along the North property line of Lot #117 to the East property line of said Rodenbeck's 7th Addition; thence South along the East line of said Addition to the North right-of-way line of Interstate 69; thence in a Northeasterly direction along the North right-of-way line of said Interstate 69 to the point of beginning.

The above-described area containing approximately 266 acres.

SECTION 2. The following services will be provided by the City of Fort Wayne to the above-described annexed territory immediately upon the effective date of annexation: police protection, fire protection, emergency medical services, street and road maintenance, solid waste collection, and traffic engineering.

SECTION 3. Additional services of an intagible nature which will be provided by the City of Fort Wayne to the above described annexed territory immediately upon the effective date of annexation include: services of the Office of the Mayor; Department of Finance; Redevelopment Commission; the Common Council; Community Development and Planning; Metropolitan Human Relations Commission and all other administrative branches of the City of Fort Wayne.

SECTION 4. That, upon petition to the Board of Public Works, City sewer, water and drainage shall be provided in accordance with relevant state law and existing City and City Utilities policies. Street lighting, street reconstruction, and park services, will be provided in conformance to existing policies, relevant state laws and upon petition when applicable.

SECTION 5. All governmental and proprietary services of the City of Fort Wayne that are to be provided the above described territory immediately upon annexation, as stated in this ordinance, will be furnished to the said described territory in a manner that is substantially equivalent in standard and scope to the governmental and proprietary services furnished by the City to other areas of the City which have characteristics of topography, patterns of land utilization and population density similar to said described territory.

SECTION 6. Governmental and proprietary services of the City of Fort Wayne that are not to be provided immediately, or in a manner otherwise described herein, will be provided to the above described area within a period of three (3) years of annexation in a manner that is substantially equivalent in standard and scope to the governmental and proprietary services furnished by the City to other areas of the City which have characteristics of topography, patterns of land utilization and population density similar to said described territory.

SECTION 7. The procedures for providing governmental and proprietary services to the above described area are outlined in the fiscal plan for the area developed by the Department of Community Development and Planning, which plan is examined, approved and adopted by the Common Council prior to the passage of this ordinance.

SECTION 8. Said annexed territory shall be part of Councilmanic District No. 3 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.

SECTION 9. After its passage, approval by the Mayor, final publication and the required sixty (60) day remonstrance period, this ordinance shall be in full force and effect on March 6, 1979.

_____
Councilperson

APPROVED AS TO FORM:

_____
Clifford E. Simon, Jr., Associate City Attorney

R E S O L U T I O N

of the

CITY PLAN COMMISSION

WHEREAS, the City Plan Commission reviewed proposed annexation ordinance Bill No. X-77-05-23, and fiscal plan on November 27, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that the advantages to the City should outweigh the disadvantage in that the City should continue to realize a normal and active growth. This annexation will be in the best interest of and a benefit to the area involved and of and to the City; and the annexation will not be detrimental to and does not conflict with the overall city plan;

GIVEN the considerable staff time spent on the Ludwig Park Annexation Ordinance; and,

GIVEN the residents' agreement to the timing and other details of the annexation proposal; and,

GIVEN the need of the City of Fort Wayne to have the Ludwig residents counted in the 1980 Census for financial remuneration to the City and to maintain the City population;

The Plan Commission urges Common Council to pass the Ludwig Park Ordinance effective March 6, 1979 and as amended, as agreed to by the residents, the Plan Commission staff and their attorneys.

BE IT FURTHER RESOLVED that the City Plan Commission proposes March 6, 1979 as the effective date for Bill No. X-77-05-23 as amended;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This resolution was passed unanimously by those present November 27, 1978.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 27, 1978.

Luben Lazoff

Luben Lazoff, Secretary

Certified and signed this 27th day of November, 1978.

MADE A MATTER OF RECORD
DATE_____CHARLES W. WESTERMAN, CITY CLERK

R E S O L U T I O N

of the

CITY PLAN COMMISSION

GIVEN the considerable staff time spent on the Oakbrook Park annexation ordinance; and,

GIVEN the residents' agreement to the timing and other details of the annexation proposal; and,

GIVEN the need of the City of Fort Wayne to have the Oakbrook residents counted in the 1980 Census for financial remuneration to the City and to maintain the City population;

The Plan Commission urges Common Council to pass the Oakbrook Ordinance effective March 15, 1979, as agreed to by the residents, the Plan Commission staff and their attorneys.

This resolution was passed unanimously by those present, November 27, 1978.

Luben Lazoff

Luben Lazoff, Secretary

Certified and signed this 27th day of November, 1978.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 12th day of December, 19 78 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19_____.

_____
Charles W. Westerman
City Clerk